FILED

## UNITED STATES DISTRICT COURT
## NORTHERN DISTRICT OF ILLINOIS
## EASTERN DIVISION

AUG 1 1 2003

JUDGE JAMES B. ZAGEL
UNITED STATES DISTRICT COURT

EOLAS TECHNOLOGIES,
INCORPORATED, and THE REGENTS OF
THE UNIVERSITY OF CALIFORNIA, a
California educational corporation,

      Plaintiffs,

      v.

MICROSOFT CORPORATION,

      Defendant.

No. 99 C 0626
Judge James B. Zagel

**SPECIAL VERDICT**

DOCKETED

AUG 1 2 2003

We, the jury in the above-titled matter, make the following unanimous findings:

## INFRINGEMENT

1.    Did Eolas and the University of California prove, by a preponderance of the evidence, that Microsoft has infringed Claim 1 of the '906 patent?

> *("Yes" is a finding for Eolas and the University of California, and "no" is a finding for Microsoft.)*

      ✓ Yes      _____ No

2.    Did Eolas and the University of California prove, by a preponderance of the evidence, that Microsoft has infringed Claim 6 of the '906 patent?

> *("Yes" is a finding for Eolas and the University of California, and "no" is a finding for Microsoft.)*

      ✓ Yes      _____ No

3. Did Eolas and the University of California prove, by a preponderance of the evidence, that Microsoft actively induced U.S. users of Internet Explorer to infringe Claim 1 of the '906 patent?

> *("Yes" is a finding for Eolas and the University of California, and "no" is a finding for Microsoft.)*

<p style="text-align:center;">✓<br>———      ———<br>Yes        No</p>

## INVALIDITY

4. Did Microsoft prove, by clear and convincing evidence, that the '906 patent is invalid for failure to satisfy the written description requirement?

> *(Provide an answer for Claim 1 and Claim 6. "Yes" is a finding for Microsoft; "no" is a finding for Eolas and the University of California.)*

Claim 1      ———      ✓———
                Yes        No

Claim 6      ———      ✓———
                Yes        No

***If you find any claim to be both infringed and valid, then proceed to the next question. Otherwise, skip the remaining questions, sign the Special Verdict Form, and inform the Court Security Officer that you have finished deliberating.***

## DAMAGES

5. What is the form of reasonable royalty to which Eolas and the University of California are entitled for Microsoft's infringing products?

✓———      Running royalty (per unit)

———      Paid-up royalty (lump sum)

***If you find a running royalty (per unit), then answer Question 6 only.***
***If you find a paid-up royalty (lump sum), then skip Question 7 and move ahead to Question 6.***

6.      What is the reasonable royalty rate to which Eolas and the University of California are entitled for Microsoft's infringing products?

$  *1.47*  per unit

x 354,124,000 units

$ *520,562,280* Total

7.      What is the paid-up (lump sum) amount to which Eolas and the University of California are entitled as a reasonable royalty from Microsoft?

$  *N/A*

*Please sign this Special Verdict form and inform the Court Security Officer that you have finished deliberating.*

ENTER:

Foreperson:  *Danielle DeGraaf*

*Cathy L. Branson*

*Dale Davis*

*Marie L. Matteson*

*Robert D. Vito*

*Anthony Vincent Ruggles*

*Vernon M. Willsey*

*Terry Mauldry*

*Joyce Frye*

*Maureen O'Malley*

DATE: *8/11/03*

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